RCMP External Review Committee

2015–16

Report on Plans and Priorities

The Honourable Steven Blaney, P.C., M.P.
Minister of Public Safety and Emergency Preparedness

© Her Majesty the Queen in Right of Canada, as represented by the Minister of Public Safety and Emergency Preparedness, 2015

Cat. Number PS20-2/2015E-PDF
ISSN 2292-3225

Table of Contents

Institutional Head's Message 1

Section I: Organizational Expenditure Overview 3

- Organizational Profile 3
- Organizational Context 4
- Planned Expenditures 8
- Alignment of Spending With the Whole-of-Government Framework 9
- Departmental Spending Trend 10
- Estimates by Vote 10

Section II: Analysis of Program by Strategic Outcome 11

- Strategic Outcome 1: Independent, impartial and thorough analysis findings and recommendations for transparency in Royal Canadian Mounted Police (RCMP) grievances and appeals 11
- Program 1.1: Independent and impartial case review 11
- Internal Services 13

Section III: Supplementary Information 15

- Future-Oriented Statement of Operations 15
- Supplementary Information Tables 16
- Tax Expenditures and Evaluations 16

Section IV: Organizational Contact Information 17

Appendix: Definitions 19

Endnotes 23

Institutional Head's Message

I am pleased to present the 2015-16 Report on Plans and Priorities for the Royal Canadian Mounted Police External Review Committee (ERC).

The ERC supports accountability at all levels in the Force through its independent, impartial review of certain labour relations matters. Our findings and recommendations assist in providing assurances to RCMP members and managers alike that labour relations processes are fair and follow the principles of law.

This will be an important year for the ERC. The transition to operations under an amended *RCMP Act* and *Regulations* is a focal point following the coming into force of provisions of the *Enhancing RCMP Accountability Act* (former Bill C-42) in late November 2014. Under the new legislation, the mandate of the ERC has been focussed on the most critical labour relations matters of interest to the RCMP and RCMP members, such as harassment, serious conduct matters and discharge. An important requirement for the ERC under the new legislation is to develop and publish service standards for our case reviews.

At the same time as work under the new legislation is beginning, we will continue to undertake case reviews under the former legislation. This work will focus on addressing our backlog of cases in addition to processing legacy cases currently active in the RCMP that will continue to be referred through 2015-16 and for some time beyond that.

The ERC team looks forward to 2015-16 and to the challenges and opportunities it will present.

Elizabeth M. Walker
Chair

Section I: Organizational Expenditure Overview

Organizational Profile

Appropriate Minister: The Honourable Steven Blaney, P.C., M.P.

Institutional Head: Elizabeth M. Walker, Chair

Ministerial Portfolio: Public Safety and Emergency Preparedness

Enabling Instrument(s): *Royal Canadian Mounted Police Act*, R.S.C. 1985, c. R-10[i]

Enhancing Royal Canadian Mounted Police Accountability Act, S.C. 2013, c. 18

Year of Incorporation / Commencement: 1986

Organizational Context

Raison d'être

The Royal Canadian Mounted Police External Review Committee (ERC) is an independent and impartial administrative tribunal that contributes to fair and equitable labour relations within the Royal Canadian Mounted Police (RCMP). To this end, the ERC conducts an independent review of appeals relating to certain conduct measures and of written decisions involving harassment complaints, revocations of appointments, discharges and demotions and ordered stoppages of pay and allowances, that are referred to it pursuant to section 33 and subsection 45.15 of the *Royal Canadian Mounted Police Act* and section 17 of the *Royal Canadian Mounted Police Regulations*.

Responsibilities

The ERC provides independent and impartial reviews of certain labour relations matters regarding RCMP members. Upon completing its review of a case file referred to it, the ERC presents findings and recommendations to the Commissioner of the RCMP for a final decision. The Commissioner is not bound to follow the recommendations of the ERC but the Commissioner must provide reasons in writing when the recommendations of the ERC are not followed.

The ERC plays a crucial role in the Force's labour relations process, thereby also supporting its human resources management more broadly. Over the years, the RCMP has made changes in a variety of areas based on recommendations made by the ERC. The ERC plays an important role in maintaining public confidence in the RCMP by helping to ensure that applicable law and human rights are respected in the Force's labour relations practices.

The ERC reports directly to Parliament through the Minister of Public Safety and Emergency Preparedness, who is the appropriate Minister responsible for the ERC for the purposes of the *Financial Administration Act*. The ERC has one member currently, the Chair, who is appointed by Order in Council for a fixed term. The Chair is supported by a small staff of public servants that includes legal counsel, program administrators and an Executive Director.

Strategic Outcome and Program Alignment Architecture

1. **Strategic Outcome:** Independent, impartial and thorough analysis, findings and recommendations for transparency in Royal Canadian Mounted Police (RCMP) grievances and appeals.

    1.1 Program: Independent and impartial case review

Internal Services

The Treasury Board of Canada Secretariat granted the ERC an exemption from reporting on financial commitments to Internal Services as a separate program beginning in 2009-10. This report therefore continues to present information based on a single ERC program.

Organizational Priorities

Organizational Priorities

Priority 1	Type[1]	Strategic Outcome
Delivering case reviews in a timely manner under new legislation while addressing legacy cases.	New	Independent, impartial and thorough analysis, findings and recommendations for transparency in RCMP grievances and appeals.
Description		

Why is this a priority?

- Provisions of the amended *RCMP Act* and *Regulations* that came into force in late November 2014 focussed the mandate of the ERC on labour relations matters that are critical to the RCMP and to RCMP members. Referrals of cases to the ERC by the RCMP under the new legislation are expected to commence in the spring of 2015. At the same time, a backlog of cases under the former legislation must be addressed, with referrals of legacy cases to the ERC under the former legislation expected to continue for several years. This presents a number of challenges for the organization, such as developing and maintaining required expertise and reviewing and adapting its operations to manage the two streams of work concurrently.

What are the plans for meeting this priority?

- Continue the implementation of a strategy to address the existing backlog of cases under the former legislation using targeted and streamlined case review processes or practices.
- Monitor case complexity and the numbers of referrals under the new legislation as a basis for projecting future workloads.
- Coordinate with the RCMP to assess administrative and general program matters, as appropriate.
- Review and update the ERC Management, Resources and Results Structure in light of current and anticipated operational requirements to support strategic direction-setting, ongoing program monitoring and continuous improvement.

1. Type is defined as follows: previously committed to—committed to in the first or second fiscal year prior to the subject year of the report; ongoing—committed to at least three fiscal years prior to the subject year of the report; and new—newly committed to in the reporting year of the RPP or DPR.

Priority 2	Type	Strategic Outcome
Develop and implement service delivery standards for case reviews.	New	Independent, impartial and thorough analysis, findings and recommendations for transparency in RCMP grievances and appeals.

Description

Why is this a priority?

- Service standards will contribute to ERC organizational performance, results and program integrity – supporting the timeliness and relevancy of the ERC's case reviews, assisting in providing clear expectations for interested parties and helping to ensure fair and transparent RCMP labour relations processes.

What are the plans for meeting this priority?

- Monitor the complexity and numbers of cases that are referred to the ERC by the RCMP under the new legislation to support workload projections that will assist in setting timelines for service standards.
- Review and adapt current case review and administrative processes, or develop new processes, to enhance timeliness and efficiency.

Priority 3	Type	Strategic Outcome
Invest in our people.	Ongoing	Independent, impartial and thorough analysis, findings and recommendations for transparency in RCMP grievances and appeals.

Description

Why is this a priority?

- The commitment and expertise of ERC staff are critical to the ability of the organization to deliver results, particularly given the small size of the organization and its limited resources.

What are the plans for meeting this priority?

- Plan for and provide training and learning opportunities that support employee professional development and that sustain the required expertise.
- Staff the required number of funded positions permanently.
- Develop a multi-year integrated human resources and business plan.

Risk Analysis

Key Risks

Risk	Risk Response Strategy	Link to Program Alignment Architecture
Reduced program performance due to fiscal instability.	Seek stabilized permanent funding to meet current and anticipated requirements.	Independent, impartial and thorough analysis, findings and recommendations for transparency in RCMP grievances and appeals. • Independent and impartial case review
Increased delays in the ERC's processing of files, including an inability to address the existing backlog, due to future case loads.	Review and adapt case review practices to optimize efficiency, including the development of service standards. Seek stabilized permanent funding to meet current and anticipated requirements.	Independent, impartial and thorough analysis, findings and recommendations for transparency in RCMP grievances and appeals. • Independent and impartial case review

The ERC's base budget has been augmented by temporary supplementary funds for many years running - with temporary funding accounting for significant portions of its annual authorities. This continues to be a significant risk. Temporary resourcing has made it impossible to staff key positions permanently; the capacity to plan for the medium to longer term has been sharply reduced; the ability to make full use of operating funds has been limited. Stabilized permanent funding is needed to address these risks to the ERC program.

New legislation and regulations governing the ERC's operations came into force on November 28, 2014 (as part of implementing *Bill C-42*, the *Enhancing RCMP Accountability Act*, S.C. 2013, c. 18). A key challenge for the ERC in 2015-16 will be adapting and refocusing its operations to meet demands under the new legislation, including developing service standards with timelines for its case reviews, while also addressing an existing backlog of cases referred to it under the former legislation. In addition, the ERC must ensure that it continues to produce high quality, thorough case analyses, findings and recommendations, while also improving the timeliness of its case reviews. Referrals under the new legislation are expected to begin in early spring 2015 and referrals under the former legislation are likely to continue for several years.

The importance of completing case reviews in a timely manner remains essential in all cases, recognizing that undue delay compromises the substance, relevance and utility of ERC findings and recommendations. The development and publication of service standards will support

timely review, ERC program management and fair, relevant and transparent RCMP labour relations processes. Service standards will not be implemented until adequate experience is gained under the new legislation; not before the end of 2015-16 based on current assessments. In the interim, the ERC will continue to assess and refine its case review practices to optimize program results.

Planned Expenditures

Budgetary Financial Resources (dollars)

2015–16 Main Estimates	2015–16 Planned Spending	2016–17 Planned Spending	2017–18 Planned Spending
952,848	952,848	952,368	952,368

Human Resources (Full-Time Equivalents [FTEs])

2015–16	2016–17	2017–18
6	6	6

Budgetary Planning Summary for Strategic Outcome and Program (dollars)

Strategic Outcome, Program and Internal Services	2012–13 Expenditures	2013–14 Expenditures	2014–15 Forecast Spending	2015–16 Main Estimates	2015–16 Planned Spending	2016–17 Planned Spending	2017–18 Planned Spending
Strategic Outcome 1: Independent, impartial and thorough analysis, findings and recommendations for transparency in Royal Canadian Mounted Police (RCMP) grievances and appeals.							
1.1 Program: Independent and impartial case review	1,595,595	1,605,928	1,702,738	952,848	952,848	952,368	952,368
Subtotal	1,595,595	1,605,928	1,702,738	952,848	952,848	952,368	952,368
Internal Services Subtotal *	0	0	0	0	0	0	0
Total	1,595,595	1,605,928	1,702,738	952,848	952,848	952,368	952,368

*The ERC has sought to continue its exemption from reporting separately on Internal Services expenditures.

The ERC's budgetary planning trend has been relatively consistent for the last several years. It has augmented its base budget through approvals of annual temporary funding that have represented large portions of actual expenditures. The amounts of actual expenditures have remained generally consistent. Inconsistency in the sources and the timing of the allocation of

funds has, nonetheless, presented challenges for expenditure planning. The ERC's strategy has been to avoid long-term spending commitments in favour of shorter-term, flexible arrangements with the potential for curtailed spending if needed. The result has been a consistent pattern of initial budgets with lower planned spending, augmenting total authorities mid-year with temporary supplementary funds and increasing planned and actual spending accordingly. This has frustrated longer term planning, as well as the full and timely use of funds, thereby engendering considerable risk for the organization.

Alignment of Spending With the Whole-of-Government Framework

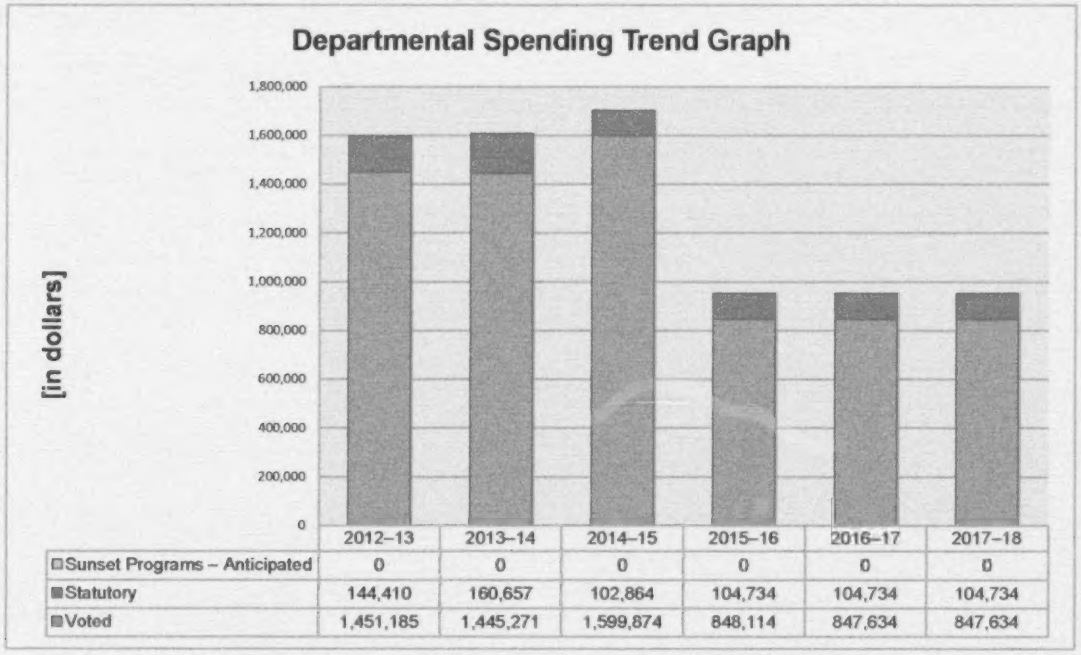
Alignment of 2015–16 Planned Spending With the Whole-of-Government Framework[ii] (dollars)

Strategic Outcome	Program	Spending Area	Government of Canada Outcome	2015–16 Planned Spending
Independent, impartial and thorough analysis, findings and recommendations for transparency in Royal Canadian Mounted Police (RCMP) grievances and appeals	Independent and impartial case review	Government affairs	Well-managed and efficient government operations	952,848

Total Spending by Spending Area (dollars)

Spending Area	Total Planned Spending
Economic affairs	0
Social affairs	0
International affairs	0
Government affairs	952,848

Departmental Spending Trend



	2012–13	2013–14	2014–15	2015–16	2016–17	2017–18
Sunset Programs – Anticipated	0	0	0	0	0	0
Statutory	144,410	160,657	102,864	104,734	104,734	104,734
Voted	1,451,185	1,445,271	1,599,874	848,114	847,634	847,634

The 2012-13 to 2014-15 columns include successive transfers of $710,001 in O&M funds from the RCMP's appropriations in support of Public Safety Canada's transitional measures to support the ERC's operations following the signing of the new RCMP policing service agreements. The ERC is seeking to secure permanent funding for 2015-16 and onwards at levels needed to meet the anticipated demands of addressing an existing backlog of cases and carrying out operations under the recently implemented legislation, including developing and publishing service standards for its case reviews.

Estimates by Vote

For information on the ERC's organizational appropriations, consult the *2015–16 Main Estimates* on the Treasury Board of Canada Secretariat website.[iii]

Section II: Analysis of Program by Strategic Outcome

Strategic Outcome 1: Independent, impartial and thorough analysis, findings and recommendations for transparency in Royal Canadian Mounted Police (RCMP) grievances and appeals

Program 1.1: Independent and impartial case review

Description

The ERC conducts an independent impartial review of appeals in disciplinary, and discharge and demotion matters, as well as certain categories of grievances that are referred to it by the Commissioner of the RCMP pursuant to s. 33 of the *RCMP Act* and s. 36 of the *RCMP Regulations*. The ERC ensures that the principles of administrative and labour law are respected and that the remedial approach indicated by the *Act* is followed. The ERC issues reports of its findings and recommendations in each case to the Commissioner of the RCMP and to the parties. Access to ERC reports is available to all stakeholders (including the parties, RCMP adjudicators, supervisors, members' representatives, staff relations representatives, and labour and employment experts in other jurisdictions) by means of the ERC website, publications and presentations.

Footnote: The program description will be amended for the 2016-17 planning cycle to conform to recent legislative changes. It was not possible to amend the description for the current cycle as the new legislation and regulations were not finalized and in force before the deadline for changes.

Budgetary Financial Resources (dollars)

2015–16 Main Estimates	2015–16 Planned Spending	2016–17 Planned Spending	2017–18 Planned Spending
952,848	952,848	952,368	952,368

Human Resources (FTEs)

2015–16	2016–17	2017–18
6	6	6

Performance Measurement

Expected Results	Performance Indicators	Targets	Date to Be Achieved
Parties and RCMP Commissioner are provided with a timely independent review of the dispute to facilitate transparent and accountable dispute resolution.	Percentage of cases where findings and recommendations are issued, subject to party's right to withdraw.	100% of referred files, subject to party's right to withdraw.	March 31, 2016
A body of findings and recommendations is made available to assist RCMP Adjudicators, parties, RCMP staff representatives to interpret legislation, regulations and policy.	Body of findings and recommendations is updated quarterly and made available online.	Updated within 2 months of end of quarter.	March 31, 2016
Public and Parliamentarians are advised of any areas for legislative, regulatory or policy change/clarification.	All recommendations for legislative change/ clarification, if any, are provided to Parliament in annual report.	Annual report submitted before June 30 of each year.	June 30, 2015
The public and RCMP labour relations stakeholders have access to timely and accurate information on employment and labour relations cases referred by the RCMP to the ERC.	Proportion of stakeholders with access to ERC reports.	94% have access to ERC reports.	Under assessment

Planning Highlights

The ERC provides independent, impartial and thorough analyses, findings and recommendations for critically important RCMP labour relations processes. Through its work, the ERC helps to ensure that the principles of administrative and labour law are respected, that processes and decision making are fair and transparent, that the remedial approach indicated by the *RCMP Act* is followed and that members of the RCMP are treated in a fair and equitable manner.

The expeditious handling of cases referred to the ERC is fundamental to the relevancy of its findings and recommendations for RCMP members and managers and to the integrity and

credibility of the ERC. In 2015-16, the ERC will continue to review and assess its case review practices and processes, in coordination with the RCMP where appropriate, to streamline operations and optimize efficiency. A key focus will be on addressing a backlog of cases under the former legislation. At the same time, the operations of the ERC will be adapted to meet requirements under new legislation and regulations. This will include developing service standards building on preparatory work undertaken in 2014-15. The ERC will continue to ensure that its findings and recommendations in each case it reviews are of a high quality, clear and relevant for concerned parties and for the Commissioner of the RCMP.

Flexibility and innovation will be essential to the organization's success in 2015-16. A focus on information management, on the use of program information for program assessment and business planning and on the assessment of how best to apply limited resources to meet evolving operational requirements for the current and future years, will all be vital.

Given the transition to operations under the new legislation, the engagement of RCMP labour relations stakeholders is particularly significant. As part of its contribution to moving the transition forward, the ERC will maintain an appropriate dialogue with the Force on general program management and administrative matters. This will be supported by targeted outreach and continued web-based and other communications activities (such as disseminating case review summaries to RCMP members to support awareness and the interpretation of legislation and policies).

Internal Services

Description

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. Internal services include only those activities and resources that apply across an organization, and not those provided to a specific program. The groups of activities are Management and Oversight Services; Communications Services; Legal Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Materiel Services; and Acquisition Services.

The Treasury Board of Canada Secretariat granted the ERC an exemption from reporting on financial commitments to Internal Services as a separate program beginning in 2009-10, given the focused nature of the ERC program and the associated level of resources. This Report continues to present information indicating that the ERC has a single, distinct program, and does not provide information on Internal Services separately.

Section III: Supplementary Information

Future-Oriented Statement of Operations

The future-oriented condensed statement of operations provides a general overview of the ERC's operations. The forecast of financial information on expenses and revenues is prepared on an accrual accounting basis to strengthen accountability and to improve transparency and financial management.

Because the future-oriented condensed statement of operations is prepared on an accrual accounting basis, and the forecast and planned spending amounts presented in other sections of the Report on Plans and Priorities are prepared on an expenditure basis, amounts differ.

A more detailed future-oriented statement of operations and associated notes, including a reconciliation of the net cost of operations to the requested authorities, can be found on the ERC's website[iv].

Future-Oriented Condensed Statement of Operations
For the Year Ended March 31
(dollars)

Financial Information	2014–15 Estimated Results	2015–16 Planned Results	Difference
Total expenses	1,823,950	1,067,697	756,253
Total revenues	0	0	0
Net cost of operations	1,823,950	1,067,697	756,253

The variance between estimated and planned results reflects recent years' funding for the ERC with a large portion of actual expenditures utilizing temporary supplementary funding each year. Until fiscal stability is achieved, it is anticipated that quarterly variances in actual expenditures from year to year will continue to be considerable. This funding approach poses serious challenges for forecasting and planning. The ERC is pursuing a permanent increase in its reference level.

Supplementary Information Tables

The supplementary information tables listed in the *2015–16 Report on Plans and Priorities* can be found on the ERC's website[v].

- Upcoming Internal Audits Over the Next Three Fiscal Years
- Greening Government Operations

Tax Expenditures and Evaluations

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance Canada publishes cost estimates and projections for these measures annually in the *Tax Expenditures and Evaluations*[vi] publication. The tax measures presented in the *Tax Expenditures and Evaluations* publication are the responsibility of the Minister of Finance.

Section IV: Organizational Contact Information

Royal Canadian Mounted Police External Review Committee
P.O. Box 1159, Station B
Ottawa, Ontario K1P 5R2
Canada

Telephone: 613-998-2134
Fax: 613-990-8969
E-mail: org@erc-cee.gc.ca
Web: http://www.erc-cee.gc.ca

Appendix: Definitions

appropriation: Any authority of Parliament to pay money out of the Consolidated Revenue Fund.

budgetary expenditures: Include operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations.

Departmental Performance Report: Reports on an appropriated organization's actual accomplishments against the plans, priorities and expected results set out in the corresponding Reports on Plans and Priorities. These reports are tabled in Parliament in the fall.

full-time equivalent: Is a measure of the extent to which an employee represents a full person-year charge against a departmental budget. Full-time equivalents are calculated as a ratio of assigned hours of work to scheduled hours of work. Scheduled hours of work are set out in collective agreements.

Government of Canada outcomes: A set of 16 high-level objectives defined for the government as a whole, grouped in four spending areas: economic affairs, social affairs, international affairs and government affairs.

Management, Resources and Results Structure: A comprehensive framework that consists of an organization's inventory of programs, resources, results, performance indicators and governance information. Programs and results are depicted in their hierarchical relationship to each other and to the Strategic Outcome(s) to which they contribute. The Management, Resources and Results Structure is developed from the Program Alignment Architecture.

non-budgetary expenditures: Include net outlays and receipts related to loans, investments and advances, which change the composition of the financial assets of the Government of Canada.

performance: What an organization did with its resources to achieve its results, how well those results compare to what the organization intended to achieve and how well lessons learned have been identified.

performance indicator: A qualitative or quantitative means of measuring an output or outcome, with the intention of gauging the performance of an organization, program, policy or initiative respecting expected results.

performance reporting: The process of communicating evidence-based performance information. Performance reporting supports decision making, accountability and transparency.

planned spending: For Reports on Plans and Priorities (RPPs) and Departmental Performance Reports (DPRs), planned spending refers to those amounts that receive Treasury Board approval by February 1. Therefore, planned spending may include amounts incremental to planned expenditures presented in the Main Estimates.

A department is expected to be aware of the authorities that it has sought and received. The determination of planned spending is a departmental responsibility, and departments must be able to defend the expenditure and accrual numbers presented in their RPPs and DPRs.

plans: The articulation of strategic choices, which provides information on how an organization intends to achieve its priorities and associated results. Generally a plan will explain the logic behind the strategies chosen and tend to focus on actions that lead up to the expected result.

priorities: Plans or projects that an organization has chosen to focus and report on during the planning period. Priorities represent the things that are most important or what must be done first to support the achievement of the desired Strategic Outcome(s).

program: A group of related resource inputs and activities that are managed to meet specific needs and to achieve intended results and that are treated as a budgetary unit.

Program Alignment Architecture: A structured inventory of an organization's programs depicting the hierarchical relationship between programs and the Strategic Outcome(s) to which they contribute.

Report on Plans and Priorities: Provides information on the plans and expected performance of appropriated organizations over a three-year period. These reports are tabled in Parliament each spring.

results: An external consequence attributed, in part, to an organization, policy, program or initiative. Results are not within the control of a single organization, policy, program or initiative; instead they are within the area of the organization's influence.

Strategic Outcome: A long-term and enduring benefit to Canadians that is linked to the organization's mandate, vision and core functions.

sunset program: A time-limited program that does not have an ongoing funding and policy authority. When the program is set to expire, a decision must be made whether to continue the program. In the case of a renewal, the decision specifies the scope, funding level and duration.

target: A measurable performance or success level that an organization, program or initiative plans to achieve within a specified time period. Targets can be either quantitative or qualitative.

whole-of-government framework: Maps the financial contributions of federal organizations receiving appropriations by aligning their Programs to a set of 16 government-wide, high-level outcome areas, grouped under four spending areas.

Endnotes

i. Department of Justice Canada, http://laws-lois.justice.gc.ca/eng/acts/R-10/index.html
ii. Whole-of-government framework, http://www.tbs-sct.gc.ca/ppg-cpr/frame-cadre-eng.aspx
iii. *2015–16 Main Estimates*, http://publiservice.tbs-sct.gc.ca/ems-sgd/esp-pbc/me-bpd-eng.asp
iv. RCMP External Review Committee, http://www.erc-cee.gc.ca/cnt/rsrcs/rprts/fofs-efp/index-eng.aspx
v. RCMP External Review Committee, http://www.erc-cee.gc.ca/cnt/rsrcs/rprts/rpp/index-eng.aspx
vi. *Tax Expenditures and Evaluations* publication, http://www.fin.gc.ca/purl/taxexp-eng.asp